

Senate Bill 8

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CHAPTER 55, LAWS OF 1967

AN ACT to create 49.65 of the statutes, relating to the assignment of injury claims by a recipient of public assistance, to the state, county or municipality.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

49.65 of the statutes is created to read:

49.65 ASSIGNMENT OF PERSONAL INJURY CLAIMS. (1) The authorities in charge of a dependent or the department may require an applicant for, or recipient of public assistance, as a condition for receiving assistance after the occurrence of an injury which results in a possible recovery from a 3rd party, to execute an assignment to the state, county or municipality of any claim, demand or cause of action resulting from the injury. The assignment shall be for the total amount of assistance granted under this chapter to the recipient and his dependents, including the reasonable value of medical and hospital care provided in a facility operated by the state, county or municipality, from the time of injury until the end of hospitalization resulting from such injury. An assignment may include any assistance granted during the 60-day period prior to the date of the application for public assistance but shall not include any assistance granted prior to the date of the injury. If the recipient dies without making such assignment, it may be executed by his personal representative. This assignment shall not divest any such recipient of his right to control the cause of action and any litigation in connection therewith that he may elect to assert. The unit of government extending public assistance shall in no way represent said recipient in this matter.

(2) Any assignment of such claims, demands or causes of action resulting from an injury shall be valid and binding upon the 3rd party tortfeasor and his insurer only after receipt of notice by them of such assignment by certified mail prior to the date of payment for such injury and any resulting treatment.

Approved June 28, 1967.